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HIGH COURT OF CHHATTISGARH, BILASPUR

Writ Petition (S) No. 6156 of 2007

PETITIONER		Yugal Kumar Mishra s/o Late Shri Dhwaja Prasad Mishara, aged about 43 years Cooperative Extension Officer, Block Gurur, District Durg(CG) R/o Dixit Niwas, in front of Bharti Niwas, Hanuman Nagar, Durg, District Durg(CG)
		Versus
RESPONDENTS	1	State of Chhattisgarh Through Secretary Department of Cooperation, D.K.S. Bhavan Mantralaya, Raipur (C.G.)
	2	Registrar, Cooperative Societies, Raipur(CG)
	3	Additional Registrar, Cooperative Societies, Raipur(CG)
	4	Joint Registrar, Cooperative Societies, Durg(CG)
	5	Assistant Registrar, Cooperative Societies(Audit) Durg(CG)

WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA

Appearance:

Shri C.R.Sahu, counsel for the petitioner.

Shri Sumit Verma, Panel for the State on advance copy.

ORAL ORDER
(17.10.2007)

SUNIL KUMAR SINHA, J.

Heard on admission.

The petitioner, who is working on the post of Auditor, has been transferred from Durg to Gurur, Durg.

Learned counsel for the petitioner argues that the petitioner is a handicapped person and he has been transferred to a distance of about 70 km. He further argues that by order dated 30.6.2006, on his own application, he was brought from Rajnandgaon to Durg

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and just after one year, he has been transferred from Durg to another place.

I have considered the point raised by learned counsel for the petitioner.

These are not the grounds for interfering with the order of transfer by a Court of law. Learned counsel for the petitioner could not point out any ground of malafide or of extraneous consideration or of violation of any statutory Rule or the Act.

Transfer is an incidence of service. No person working on a transferable post can claim to be posted at a particular place. It is for the employer to see that who should be posted where in the interest of better functioning of the department as also in the public interest. It is the settled view of the Apex Court that unless the order of transfer is vitiated by malafide or extraneous considerations or is against any statutory Rule or Act, it cannot be interfered by a Court of Law.

The petition has no merits. The same is dismissed at the motion stage itself.

However, looking to the physical condition of the petitioner, he shall be free to file a representation before the concerned authority, which shall be decided by the said authority in accordance with law.

Sd/-
Sunil Kumar Sinha
Judge

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